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 Nominal Defendant Cleanspark, Inc.*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC ATANASOFF, Derivatively on Behalf of
 CLEANSARK, INC.,
 Plaintiff,

v.

ZACHARY K. BRADFORD,
 S. MATTHEW SCHULTZ, ROGER P.
 BEYNON, LARRY MCNEILL, and THOMAS
 L. WOOD,

Defendants,

-and-

CLEANSARK, INC., a Nevada Corporation,

Nominal Defendant.

Case No.: 2:23-cv-00358-ART-BNW

(Removal from District Court, Clark County,
 Nevada, Case No. A-23-866492-C)

**STIPULATION AND [proposed] ORDER
 EXTENDING TIME TO RESPOND TO
 COMPLAINT**

Plaintiff Eric Atanasoff (“Plaintiff”), derivatively on behalf of Nominal Plaintiff
 CleanSpark, Inc. (“CleanSpark”) and Defendants Zachary K. Bradford, S. Matthew Schultz,
 Larry McNeill, Thomas L. Wood, Roger P. Beynon (the “Individual Defendants”), and Nominal
 Defendant CleanSpark (together with the Individual Defendants, “Defendants”) (collectively,
 with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby enter into the
 following stipulation and proposed order:

///

1 **WHEREAS**, on March 1, 2023, Plaintiff filed a shareholder derivative complaint (the
 2 “Complaint”) on behalf of Nominal Plaintiff CleanSpark in the Eighth Judicial District Court of
 3 the State of Nevada in and for Clark County (the “State Court”), captioned *Atanasoff v.*
 4 *Bradford, et al.*, Case No. A-23-866492-C (this “Action”); and

5 **WHEREAS**, on March 7, 2023, the Defendant S. Matthew Schultz filed a Petition for
 6 Removal (ECF No. 1) and Notice of Removal, removing this Action from State Court to the
 7 United States District Court for the District of Nevada; and

8 **WHEREAS**, on March 24, 2023, the Individual Defendants filed a Motion to
 9 Consolidate, asking the Court to consolidate this Action into the consolidated shareholder
 10 derivative action pending in the United States District Court for the District of Nevada, *In re*
 11 *CleanSpark, Inc. Derivative Litigation*, Case No. 2:21-cv-01181-GMN-BNW (the “Motion to
 12 Consolidate”) (ECF No. 10); and

13 **WHEREAS**, on April 4, 2023, Plaintiff filed the Motion to Remand and for Attorney’s
 14 Fees and Costs, which has been noticed for consideration by the Court in the normal course (the
 15 “Motion to Remand”) (ECF No. 11); and

16 **WHEREAS**, Defendants intend to move to dismiss the Complaint in this Action; and

17 **WHEREAS**, the Parties agree to extend the deadline for Defendants to respond to the
 18 Complaint until on or before May 5, 2023; and

19 **WHEREAS**, the Parties agree to extend the deadline for Plaintiff to oppose any motion
 20 to dismiss the Complaint that Defendants file until on or before June 5, 2023; and

21 **WHEREAS**, the Parties agree to extend the deadline for Defendants to reply in support
 22 of any motion to dismiss the Complaint until on or before June 26, 2023.

23 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by the
 24 Parties hereto, through their undersigned counsel, subject to the approval of the Court, as
 25 follows:

26 1. Defendants’ deadline to respond to the Complaint is extended until on or before
 27 May 5, 2023.

28 2. Plaintiff’s deadline to oppose any motion to dismiss the Complaint that

Defendants file is extended until on or before June 5, 2023.

3. Defendants' deadline to reply in support of any motion to dismiss the Complaint that Defendants file is extended until on or before June 26, 2023.

4. Other than as agreed herein, the Parties reserve all rights.

DATED: April 5, 2023

DATED: April 5, 2023

FOX ROTHSCHILD LLP

ALDRICH LAW FIRM, LTD.

/s/ Colleen E. McCarty

/s/ John P. Aldrich

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Counsel for Plaintiffs

ORDER

IT IS ORDERED that ECF No. 12 is GRANTED in part and DENIED in part without prejudice. It is granted to the extent that Defendants deadline to respond to the complaint shall be May 5, 2023. To the extent the parties stipulate to an extended motion to dismiss briefing schedule, they must file a separate motion. See LR IC 2-2(b).

IT IS SO ORDERED

DATED: 4:58 pm, April 06, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE